# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/082,325 | 02/26/2002 | Jason Brice Crop | | 3457 |

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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2633 | |

DATE MAILED: 09/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| :---: | :--- | :--- |
| **Office Action Summary** | 10/082,325 | CROP ET AL. |
| | Examiner | Art Unit | |
| | Girumsew Wendmagegn | 2633 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>26 February 2002</u>.

2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-29</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-29</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02/26/2002</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☒ All   b) ☐ Some *   c) ☐ None of:

         1. ☒ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02/26/2002</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim1-4, 9-18,21-23,28 and 29** are rejected under 35 U.S.C. 102(e) as being

anticipated by Fleming, III et al. (patent no. US 6,973,461)

**Claim1** recites a real time editing system comprising: real time editing device; a

data transfer device; and an audio/video device; wherein editing device receives data

from data transfer device; audio/video device transmits a signal to the real time editing

device; the real time editing device determines the location of the audio visual work and

edits the signal and transmits the edited signal to display device.

Fleming, III et al.  anticipates that editing system comprising: real time editing

device; a data transfer device; and an audio/video device; wherein editing device

receives data from data transfer device; audio/video device transmits a signal to the real

time editing device; the real time editing device determines the location of the audio

visual work and edits the signal and transmits the edited signal to display device (see

Figure 2)

**Claim2** drawn to a real time editing system as in claim1, wherein the real time

editing device comprises: A processor unit; a memory in electrical communication with

the processor unit; and a synchronization unit in electrical communication with the

processor unit; wherein, the processor unit stores the received data in the memory; the

synchronization unit derives a timing mark from the signal; the processor unit

determines the location of the audiovisual work based on a comparison of timing mark

and received data; and the processor unit edits the signal based on the received data

and the location of audiovisual work.

Fleming, III et al. anticipates a real time editing system, wherein the real time

editing devices is the controller. The controller downloads the data and edits the signal

based on the pointers, which downloaded from server through the Internet (see

column 4 lines 39-54).

**Claim3, 4 and 23** drawn to the real time editing system as in claim3 and an

apparatus as in claim 22, wherein the received data contains timing data and editing

data. The processor unit compares the timing data with the timing mark to determine the

location of the audiovisual work and edits the signal based on the location and the

editing data.


Fleming, III et al. anticipates the data contains timing data and editing data and

the processor unit compares the timing data with the timing mark to determine the

location of the audiovisual work and edits the signal based on the location and the

editing data (see column3 lines 43-49 and column 5 lines 1-3).


**Claim9** drawn to the real time editing system as in claim2, wherein the real time

editing device further comprises: a switch in electrical communication with the processor

unit and the synchronization unit; wherein the processor unit edits the signal by

controlling the switch and the audio/video display device receives the edited signal by

the way of the switch.


Fleming, III et al. anticipates the real time editing system as in claim2, wherein

the real time editing device further comprises: a switch in electrical communication with

the processor unit and the synchronization unit; wherein the processor unit edits the

signal by controlling the switch and the audio/video display device receives the edited

signal by the way of the switch (See figure 3 and column 5 lines 18-27).

**Claim10** recites the real time editing system as in claim1, wherein the data transfer device is an Internet connection device and the received data is data downloaded from the Internet.

Fleming, III et al. anticipates the data transfer device is an Internet connection device and the received data is data downloaded from the Internet (see column4 lines 47-50)

**Claim11** drawn to the real time editing system as in claim1, wherein the real time editing device is included in the audio/video device.

Feleming, III et al. anticipates the real time editing system wherein the real time editing device is included in the audio/video device (see figure3).

**Claim12** drawn to the real time editing system as in claim1, wherein the real time editing device causes the audio/video device to fast forward the audiovisual work during an offensive scene.

Feleming, III et al. anticipates the real time editing system as in claim1, wherein the real time editing device causes the audio/video device to fast forward the audiovisual work during an offensive scene (see column5 line 1-8)

**Claim13** drawn to the real time editing system as in claim1, wherein the operations performed by the real time editing device are performed by a multi purpose processor with in the data transfer device.

Feleming, III et al. anticipates to the real time editing system as in claim1, wherein the operations performed by the real time editing device are performed by a multi purpose processor with in the data transfer device(see figure 3 and column 5 line 18-20)

**Claim14** drawn to a method for real time audio/video signal editing comprising: receiving data corresponding to an audiovisual work; receiving signal that represents the audiovisual work; determining the location of the audiovisual work; and editing the signal based on the received data and location of the audiovisual work.

Fleming, iii et al. anticipates   a method for real time audio/video signal editing: receiving data corresponding to an audiovisual work; receiving signal that represents the audiovisual work; determining the location of the audiovisual work; and editing the signal based on the received data and location of the audiovisual work.

**Claim15 and 16** drawn to the method for real time audio/video signal editing as in claim14, wherein receiving data corresponding to an audiovisual work comprises:

downloading the data from a remote location. The data is downloaded by way of the

Internet.


Feleming, III et al. anticipates downloading the data from the remote location by

way of the internet (see column4 line47-49).


**Claim 17** drawn to the method for real time audio/video signal editing as in

calim14, wherein the data comprises editing data and timing data.

Feleming, III et al. anticipates method for real time audio/video signal editing as

in calim14, wherein the data comprises editing data and timing data (see column3 lines

43-49)


**Claim18** drawn to the method for the real time audio/video signal editing as in

claim17, further comprising: determining the location of the audiovisual work based on a

comparison of the  timing data with the received signal; and editing the signal based on

the editing data and the location of the audiovisual work.


Feleming,III et al. anticipates  the method for the real time audio/video signal

editing further comprising: determining the location of the audiovisual work based on a

comparison of the  timing data with the received signal; and editing the signal based on

the editing data and the location of the audiovisual work (see column5 line 1-8).

**Claim19** drawn to the method for real time audio/video signal editing as in claim18, wherein determining the location of the audio-visual work based on a comparison of the timing data with the received signal further comprises: deriving a timing mark from the signal; deriving a time stamp from a comparison of the timing data with the timing mark; and setting a clock with the value of the time stamp.

Feleming, III et al. anticipates the method for real time audio/video signal editing as in claim18, wherein determining the location of the audio-visual work based on a comparison of the timing data with the received signal further comprises: deriving a timing mark from the signal; deriving a time stamp from a comparison of the timing data with the timing mark; and setting a clock with the value of the time stamp(see column 3 line 30-49)

**Claim 21** drawn to a real time editing apparatus comprising: a processor unit which receive a signal that represent an audiovisual work; and memory in electrical communication with the processor unit: wherein, the processor unit receive data corresponding to the audiovisual work, store the data in the memory, determines the location of the audiovisual work, and edits the signal based on the stored data and the location of the audiovisual work.

Feleming, III et al. anticipates real time editing apparatus comprising: a processor unit which receive a signal that represent an audiovisual work; and memory

in electrical communication with the processor unit: wherein, the processor unit receive

data corresponding to the audiovisual work, store the data in the memory, determines

the location of the audiovisual work, and edits the signal based on the stored data and

the location of the audiovisual work(see column 4 lines 45-50)

**Claim22 and 23** is drawn to a real time editing apparatus as in claim21, further

comprises: a synchronization unit in electrical communication with the processor unit;

wherein, the synchronization unit receives the signal that represent the audiovisual work

and derives a timing mark from the signal; and the processor unit determines the

location of the audiovisual work based on the timing mark and the stored data. The

stored data comprises editing data and timing data.

Feleming, III et al. anticipates a real time editing apparatus as in claim21, further

comprises: a synchronization unit in electrical communication with the processor unit;

wherein, the synchronization unit receives the signal that represent the audiovisual work

and derives a timing mark from the signal; and the processor unit determines the

location of the audiovisual work based on the timing mark and the stored data. The

stored data comprises editing data and timing data. (see column3 line 30-49 and

column5 line 1-7).

**Claim28** drawn to the real time editing apparatus as in claim22, further

comprising: a switch in electrical communication with the processor unit and the

synchronization unit; wherein the processor unit edits the signal by controlling the switch

and an audio/video display device receives the edited signal by the way of the switch.

Fleming, III et al. anticipates the real time editing apparatus as in claim22,

further comprising: a switch in electrical communication with the processor unit and the

synchronization unit; wherein the processor unit edits the signal by controlling the switch

and an audio/video display device receives the edited signal by the way of the switch

(see figure 3 and column 5 line 18-22)

**Claim29** drawn to the real time editing apparatus as in claim28, wherein the

processor unit and the memory are contained in a transfer pack and the switch and the

synchronization unit are contained in a switch pack (see figure 3)

Fleming, III et al. anticipates the real time editing apparatus as in claim28,

wherein the processor unit and the memory are contained in a transfer pack and the

switch and the synchronization unit are contained in a switch pack.

## *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**Claim5-8, 20, 24-27** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fleming, III et al. (patent no.: US 6,973,461) as applied to claim1-4, 9-19,21-23,28

and 29 above, and further in view of Barton et al. (Patent No.: us 6,233,389).

**Claim5, 20, and 24** drawn to a real time editing system/method/ apparatus

wherein the synchronization unit derives the timing mark based on a closed captioning

component of the signal.

See the teaching of Fleming, III et al. above. Fleming does not teach deriving the

timing mark based on a closed captioning component of the signal. However Baron et

al. teaches that closed caption words used to determine timing mark (see column 10

line 32-35).

**Claim6, 7 and 25, 26**   are drawn to the real time editing system as in claim5 and

editing apparatus as in claim 22, wherein the timing mark is derived based on the

number of ASCII characters in the closed captioning sentence of the signal. The timing

data contains the number of ASCII characters in each closed captioning sentence for

the entire audiovisual work with a corresponding time stamp.

See the teaching of Fleming, III et al. above. Fleming does not teach the timing

mark is derived based on the number of ASCII characters in the closed captioning

sentence of the signal. The timing data contains the number of ASCII characters in each

closed captioning sentence for the entire audiovisual work with a corresponding time

stamp. However Barton et al teaches the timing mark is derived based on the number of

ASCII characters in the closed captioning sentence of the signal. The timing data

contains the number of ASCII characters in each closed captioning sentence for the

entire audiovisual work with a corresponding time stamp (see column 10 line 32-45).

One of ordinary skill in the art at the time the invention was made would have

been motivated to use the timing data derived from the closed caption data of Baron to

use in Fleming, III et al. system. Because it will reduce cost and improve efficiency (see

Barton et al column 10 line 48-52)

**Claim8 and 27** drawn to the real time editing system as in claim7 and editing

apparatus as in claim 26, wherein the processor unit; determines the location of the

audiovisual work by comparing the timing mark; starts a clock with the initial value set to

the corresponding time stamp value when a match is found; and edits the signal based

on a comparison of the editing data and the clock time.

Fleming, III et al. teaches the processor unit; determines the location of the

audiovisual work by comparing the timing mark; starts a clock with the initial value set to

the corresponding time stamp value when a match is found; and edits the signal based

on a comparison of the editing data and the clock time (see column 5 line 1-7)
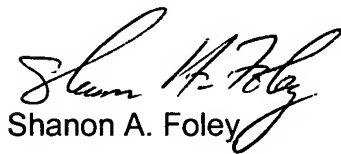
Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.
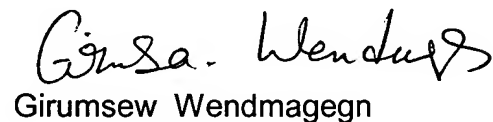
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shanon A. Foley

Girumsew Wendmagegn

Supervisory Patent Examiner